REMARKS

Claims 1-4, 7-14, 16-27, 29, 30, 33, and 34 remain in the application. Claims 1, 11, 17, 19, 29, and 30 have been amended. Claims 35 and 36 have been added. Minor amendments have been made to the specification. A corrected ABSTRACT OF THE DISCLOSURE is being submitted. Claims 5, 6, 15, 28, 31, and 32 have been cancelled. Corrected (formal) drawings were submitted on December 18, 2002 and received on December 26, 2002. Reconsideration of this application, as amended, is respectfully requested.

Claim 1 has been amended to recite that a movable applicator introduces at least one test material directly into each of the plurality of recording stations; the movable applicator is automated; and the electrophysiological data is collected from each of the plurality of recording stations. Support for these changes can be found at page 12, lines 2-7, at page 21, lines 3-22, at page 4, lines 10-12, and at page 5, lines 11-21 of the specification, and in claim 6, as originally filed. Claim 1 has been further amended to delete the phrase "from each of said plurality of recording stations concurrently." In view of the additions made to claim 1, it was determined that this phrase is not needed to describe the method of this invention.

Claim 11 has been amended to recite that the apparatus includes a movable applicator for dispensing a test material directly into a recording stations; and the apparatus includes a control system for (1) controlling said (a) plurality of recording stations and said (b) movable applicator and (2) for collecting said electrophysiological data from said plurality of tests. Support for these changes can be found at page 12, lines 2-7, at page 21, lines 3-22, at page 5, lines 16-19, and at page 10, lines 15-16 of the specification and in claim 15, as originally filed. Claim 11 has been further amended to delete the term "concurrently." Upon reviewing claim 11, it was determined that this term is not needed to describe the apparatus of this invention.

Claims 17, 19, 29, and 30 have been amended to conform to claim 11.

Claim 35 has been added to indicate that the tests can be run in sequence. Claim 36 has been added to indicate that the tests can be run

concurrently. Support for these claims can be found at page 4, lines 12-18 of the specification.

Claims 1-34 were rejected under 35 U. S. C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This rejection has been addressed by the amendments to claims 1 and 11.

Claim 1 now recites that electrophysiological data is collected from each of the plurality of tests from each of the plurality of recording stations. Claim 11 now recites that the apparatus includes a control system (1) for controlling the (a) plurality of recording stations and the (b) movable applicator and (2) for collecting the electrophysiological data from the plurality of tests.

Claims 1-3, 5-7, 11-15, 20, 21, 23, 24, 26-28, and 30 were rejected under 35 U. S. C. § 102 (b) and (e) as being anticipated by Sweeten, et al., U. S. Patent No. 3,696,805. This rejection has been addressed by the amendments to claims 1, 11, and 30.

Sweeten et al., U. S. Patent No. 3,696,805 (hereinafter "Sweeten et al."), discloses medical examining laboratories, particularly an annulus defining a plurality of private medical examining rooms surrounding an inner core and a plurality of medical instruments mounted upon a carousel rotating within said core, so as to deliver said instruments within said individual medical examining rooms.

The claims of the present application require a movable applicator that introduces at least one test material directly into a recording station in order to obtain electrophysiological data. As defined in the application at page 9, lines 20-22, the term "applicator" means a fluid-handling device that aspirates test materials (e.g., compounds of interest) from vessels and dispenses them into recording stations. As defined in the application at page 9, lines 13-15, the expression "test material" means a substance, such as, for example, a compound, that is being tested for stimulatory, inhibitory, or modulatory activity on the test subject. Sweeten et al. is concerned with delivering instruments to individual medical examining rooms. A "test material" is not a medical instrument; a "recording station" is not an examining room; an "applicator" is not a medical instrument. In view of the foregoing major

distinctions between Sweeten et al. and the components of the present invention, it is submitted that Sweeten et al. does not anticipate any of the claims of this application.

Claims 1-3, 5-12, 14-16, 20, 21, 23, 27, 28, and 30 were rejected under 35 U. S. C. § 102 (b) and (e) as being anticipated by Kirk, et al., U. S. Patent No. 5,390,238. This rejection has been addressed by the amendments to claims 1, 11, and 30.

Kirk et al., U. S. Patent No. 5,390,238 (hereinafter "Kirk et al."), discloses a home health and communications support system and method which includes at least one health support unit for monitoring and supporting a patient, at least one monitoring terminal, and a network server coupled between the at least one health support unit and the at least one monitoring terminal for exchanging information between the at least one health support unit and the at least one monitoring terminal. The health support unit comprises a medication controller, communications module for interacting with the patient, central data processor, and external communications interface. The central data processor stores and manipulates patient data generated by the medication controller and by the communications module for patient interaction. The external communications interface allows access to patient data and accepts data from an external source.

The claims of the present application require a movable applicator that introduces at least one test material directly into a recording station in order to obtain electrophysiological data. As defined in the application at page 9, lines 20-22, the term "applicator" means a fluid-handling device that aspirates test materials (e.g., compounds of interest) from vessels and dispenses them into recording stations. As defined in the application at page 9, lines 13-15, the expression "test material" means a substance, such as, for example, a compound, that is being tested for stimulatory, inhibitory, or modulatory activity on the test subject. Kirk et al. is concerned with a computer-controlled system for storing and manipulating patient data generated by a medication controller and by a communications module for patient interaction. Kirk et al. says not a thing about an "applicator" or a "test material", as these expressions are defined herein. Furthermore, Kirk et al. does not disclose or suggest that the system described therein has a movable applicator, which

component is required in the method and the apparatus of the present invention. In view of the foregoing, it is submitted that Kirk et al. does not anticipate any of the claims of this application.

Claims 1-7, 11-15, 17-21, 23, 24, and 26-34 were rejected under 35 U. S. C. § 103 (a) as being unpatentable over Sweeten et al., U. S. Patent No. 3,696,805 in view of Anderson et al., U. S. Patent No. 3,998,215. This rejection has been addressed by the amendments to claims 1, 11, 17, 19, 29, and 30.

Anderson et al., U. S. Patent No. 3,998,215 (hereinafter "Anderson et al."), discloses a gel pad impregnated in a porous matrix or held within a cavity, an electrically conductive hydrogel capable of transferring electrical signals between the human body and an electrode of an electrical sensing device when the hydrogel is in contact with the body surface. The hydrogel is lightly adherent to the body surface but sufficiently cohesive so that no residue remains when the pad is removed therefrom.

As stated previously, the claims of the present application require a movable applicator that introduces at least one test material directly into a recording station in order to obtain electrophysiological data. As defined in the application at page 9, lines 20-22, the term "applicator" means a fluid-handling device that aspirates test materials (e.g., compounds of interest) from vessels and dispenses them into recording stations. As defined in the application at page 9, lines 13-15, the expression "test material" means a substance, such as, for example, a compound, that is being tested for stimulatory, inhibitory, or modulatory activity on the test subject. Sweeten et al. is concerned with delivering instruments to individual medical examining rooms. A "test material" is not a medical instrument; a recording station is not an examining room; an "applicator" is not a medical instrument. Anderson et al. does indeed disclose a device for attaching electrodes to the human body. However, Anderson et al. fails to disclose or suggest any information that would convert a medical instrument to a test material, an examining room to a recording station, or a medical instrument to an applicator, as the expressions "test material", "recording station", and "applicator" are used in this application. In view of the foregoing, it is submitted that the combination of

Sweeten et al. and Anderson et al. does not render any of the claims of this application obvious to one of ordinary skill in the art.

Claims 1-3, 5-16, 20-28, and 30 were rejected under 35 U. S. C. § 103 (a) as being unpatentable over Segalowitz, U. S. Patent No. 5,511,553. This rejection has been addressed by the amendments to claims 1, 11, and 30.

Segalowitz, U. S. Patent No. 5,511,553 (hereinafter "Segalowitz"), discloses a device, system, and method for monitoring continuously and simultaneously multiple physiological parameters from a patient, comprising a precordial strip-patch having first and second surfaces and multi-layer flexible structure permitting data by radio frequency or single wire or fiberoptic to hardware recording and display monitor. A plurality of conductive contact elements and microsensors are mounted in spaced apart positions on said strip-patch device-system permitting simultaneously and continuous detection, microprocessing, and transmission of microsensored and detected physiological data for monitoring standard 12-lead ECG, cardiac output, respiration rate, peripheral blood oximetry, temperature of a patient, and electrocardiographic fetal heart monitoring, via a single wavelength or radio frequency transmission or single-wire or single fiberoptic connection in recording hardware or display monitor.

As stated previously, the claims of the present application require a movable applicator that introduces at least one test material directly into each of a plurality of recording stations in order to obtain electrophysiological data. As defined in the application at page 9, lines 20-22, the term "applicator" means a fluid-handling device that aspirates test materials (e.g., compounds of interest) from vessels and dispenses them into recording stations. As defined in the application at page 9, lines 13-15, the expression "test material" means a substance, such as, for example, a compound, that is being tested for stimulatory, inhibitory, or modulatory activity on the test subject. Segalowitz is concerned with such medical tests as ECG, cardiac output, respiration rate, peripheral blood oximetry, temperature of a patient, and electrocardiographic fetal heart monitoring. The tests described in Segalowitz do not involve the transfer of fluids; thus, Segalowitz is not concerned with an apparatus or a method that that involves handling of fluids wherein an

applicator aspirates test materials (e.g., compounds of interest) from vessels and dispenses them into recording stations. In view of the foregoing distinctions, it is submitted that Segalowitz does not render any of the claims of this application obvious to one of ordinary skill in the art.

Claims 1-34 were rejected under 35 U. S. C. § 103 (a) as being unpatentable over Segalowitz, U. S. Patent No. 5,511,553 in view of Anderson et al., U. S. Patent No. 3,998,215. This rejection has been addressed by the amendments to claims 1, 11, 17, 19, 29, and 30.

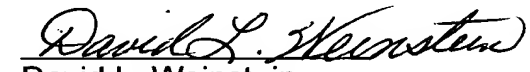
As stated previously, Segalowitz is concerned with such medical tests as ECG, cardiac output, respiration rate, peripheral blood oximetry, temperature of a patient, and electrocardiographic fetal heart monitoring. The tests described in Segalowitz do not involve the transfer of fluids; thus, Segalowitz is not concerned with an apparatus or a method that that involves handling of fluids wherein an applicator aspirates test materials (e.g., compounds of interest) from vessels and dispenses them into recording stations. Anderson et al. does indeed disclose a device for attaching electrodes to the human body. However, Anderson et al. fails to disclose or suggest any information that would convert the components described in Segalowitz to a test material, a recording station, or an applicator, as the expressions "test material", "recording station", and "applicator" are used in this application. In view of the foregoing, it is submitted that the combination of Segalowitz and Anderson et al. does not render any of the claims of this application obvious to one of ordinary skill in the art.

In view of the foregoing, it is submitted that claims 1-4, 7-14, 16-27, 29, 30, 33, and 34, as amended, and new claims 35 and 36 are in condition for allowance, and official Notice of Allowance is respectfully requested.

It is requested that the Examiner consider the references listed in the Information Disclosure Statement mailed June 20, 2000. A copy of Form PTO-1449 and a copy of the return receipt post card are attached hereto, following page 19. Please note that although the post card indicates that eight references were enclosed, this indication is erroneous in that all nine of the references listed on Form PTO-1449 were actually enclosed.

Abbott Laboratories
D-377 AP6D-2
100 Abbott Park Road
Abbott Park, Illinois 60064-3500
Telephone: (847) 937-6182

Respectfully submitted,
Jonathan D. Trumbull, et al.



David L. Weinstein
Registration No. 28, 128
Attorney for Applicants